

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Irrigation & CAD Department – Suits – APAT – OA No. 3965/04 & Batch filed by Sri P. Rama Rao and other NMR Workers - Regularisation of services of Sri P.Rama Rao and 7 other NMR workers working under the control of S.E., IC., Vijayawada in terms of G.O Ms No. 212 Finance (PC.III) Dept. dated. 22-04-1994 – Orders – Issued.

IRRIGATION AND C.A.D (SERVICES.V(1)) DEPARTMENT

G.O.Ms.No. 223

Dated.27-12-2008

Read the following:

1. From the APAT Order dated. 23-2-2001 in OA No. 6761/97 filed by Sri. P. Rama Rao, and others.
2. Govt Memo No. 10109/Ser V(1)/2001-1 dated. 6-4-01
3. From the Engineer-in-Chief (IW), Hyd Lr No. ENC/IW/P&M/EE.2/W.2/16428/2001-3 dated 28-01-2002.
4. Govt Memo No. 10109/Ser V(2)/2001-2 dated 08-03-2002.
5. From the ENC (IW), Hyd Lr No. ENC/IW/P&M/EE.2/W2/17423/01 dated. 15-11-2002
6. Govt Memo No. 10109/Ser V(2)/2001-2 dated 02-11-2002, 27-11-2002 and 02-12-2002 and 21-12-2002
7. From the District Collector, Krishna, Lr Rc No. A7.7296/2002 dated. 09-01-2003.
8. Govt Memo No. 10109/Ser V(2)/2001-8 dated 25-02-2003.
9. From the District Collector, Krishna, Lr Rc No. A7.7296/2002 dated. 01-04-2004.
10. Govt Memo No. 10109/Ser V(2)/2001-15 dated 04-06-2004.
11. APAT interim orders dated. 14-07-2004 in OA No. 3965/04 and batch
12. Govt Memo No. 10109/Ser V(2)/2001-16 dated 13-09-2004.
13. From the Engineer-in-Chief (IW), Hyd Lr No. ENC/IW/P&M/EE.2/W.2/17423/2001-3 dated. 18-03-2006.
14. Govt Memo No. 10109/Ser V(2)/2001-21 dated. 29-06-2006 and 13-10-2006.
15. From the S.E., IC., Vijayawada Lr No. CB/ntpa/EC.2/31/govt- dated. 22-12-2008.
16. From the Engineer-in-Chief (IW), Hyd Lr No. ENC/IW/P&M/EE.2/W.2/17423/2001 /Volume.2 dated. 23-12-2008.

ORDER

In the reference 1st read above, the Honble A.P.A.T while disposing of OA No. 6761/1997 filed by Sri P. Rama Rao and other NMR Workers working under Superintending Engineer, Irrigation Circle, Vijayawada and other batch cases directed as follows.

(P.T.O)

“Thus, we direct the Respondents to regularize the services of the applicants who fulfill the conditions incorporated in G.O Ms No. 212 dated. 22-04-1994 and G.O Ms No. 112 dt. 23-07-1997 irrespective of the fact whether they complete 5/10 years of service as on 25-11-1993 provided they were in service as on the said cut-off date and without insisting for existence of clear vacancy. To be more specific, we direct the Respondents to consider the cases of all the applicants who were appointed prior to 25-11-1993 and who completed 5/10 years of service as fulltime or part-time employees for regularization as and when they complete the said period of service. The above exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

We further direct the respondents to effect payment of salaries to the applicants in the pay scale attached to the post and pay arrears of salary from this date. (23-02-2001). The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order”.

2. In the references 3rd and 5th read above, the Engineer-in-Chief (IW) has stated that the Superintending Engineer, Irrigation Circle, Vijayawada has stated that against the orders of A.P.A.T dated 23.2.2001, the department has filed Writ Petition No.16493/2001 and the High Court disposed of the case on 21.9.2001 with a direction to consider their cases for regularization in terms of G.O.Ms.No.212, Finance (PC.III) Department, dated 22.4.1994. There are 87 vacancies of Lascar posts in K.C. Division, Vijayawada and that the qualification for the Lascar post is that the person must be an able bodied person with knowledge to read and write. Out of 10 NMRs Sri P.V. Koteswar Rao, left the department. Sri N. Veeraiah had put up a total service of 2 years 2 months as on 25-11-1993 but continued up to 8/98. In his further report he has stated that there are 34 Lascar posts vacancies arose due to retirement and demise of some of the Lascars. The Lascar posts were sanctioned in G.O.Ms.No.455, dt. 1.2.1951 (Composite Madras Govt.). and requested the Govt. to obtain the orders for regularisation of the services of 9 NMRs.

3. After careful examination of the matter, Government have observed that the posts of Lascar comes under the purview of Work Charged Establishment and the vacancies of Work Charged Establishment are not treating as clear vacancies because of the fact that the expenditure on Work Charged Establishment is a fixed percentage of P.S. Charges and hence these individuals cannot be considered for regularization under G.O.M.No.212, Fin Department, dated 22-4-94 as these posts can not be treated as sanctioned regular posts. Accordingly, the ENC IW, Hyderabad was requested to issue speaking order rejecting the request of the petitioners vide Govt Memo dated. 27-11-2002.

4. The Engineer-in-Chief (IW) vide his letter dt. 28-11-2002 has issued directions to the Superintending Engineer, Irrigation Circle, Vijayawada to issue individual speaking orders. In turn the Superintending Engineer, Irrigation Circle, Vijayawada has issued speaking orders to the applicants separately rejecting their request for regularization vide Memo.No.CB/S2/EC2/1951-1959, dated 28-11-2002. The Contempt Case No. 1077/2002 in W.P No. 16493/2001 was dismissed on 19-08-2003 stating that there is only a delay but not deliberate violation of the orders of the High Court.

5. While the matter is under examination of the Government in consultation with the Collector, Krishna District regarding vacancy position in the cadre of Last Grade Services, the petitioners have filed O.A No. 3965/04 and other OAs separately for regularization of their services and also to direct the respondents to call all the records. The Hon'ble Tribunal in its order dt. 14-7-2004 admitted the O.As. and ordered that

“Status quo of the applicants obtaining as on today shall be maintained. Post along with the cases dealing with G.O. 212 and batch” and send all the records for use of in A.P.A.T.”

6. In the references 15th and 16th read above, the Superintending Engineer, Irrigation Circle, Vijayawada / Engineer-in-Chief (IW), Hyderabad has obtained the vacancy position from the Dist. Collector, Krishna and furnished to Govt along with the particulars in the Check-list for regularization of services of Sri P. Rama Rao and 8 other NMR workers (petitioners in O.A.No.3965 and batch) in terms of G.O.Ms.No.212, Fin. (PC.III) Department, dated 22-4-1994. He has also stated that the individuals have completed 5 years 10 months of service as on 25-11-1993 except Sri N. Veeraiah, NMR Worker.

7. Government after careful examination of the matter, the Engineer-in-Chief (IW), Hyderabad / the Collector, Krishna District is directed to regularize the services of 8 NMR Workers (i.e. petitioners in OA Nos. 3965/2004 and batch) working under the control of Superintending Engineer, Irrigation Circle, Vijayawada against the posts mentioned against their names as reported in the reference 16th read above in terms of G.O Ms No. 212 Fin (PC.III) Dept dated. 22-04-1994 and Act 2/1994, Act 3/1998 and Act 27/1998 from the prospective date i.e. from the date of issue of orders by the competent appointing authority subject to condition that the posts are regular and substantive and no senior person is overlooked / omitted, except Sri N. Veeraiah, NMR Worker at Sl.No.9 as he is not having the minimum requisite services of 5 years as on 25-11-1993 as per G.O Ms No. 212 Finance (PC.III) Department. dated 22-04-1994.

8. The Engineer-in-Chief (IW), Hyderabad / the Collector, Krishna District shall take further action in the matter accordingly.

9. This order issues with the concurrence of Finance (PC.II) Department vide their U.O No. 37980-A/612/A1/PC.III/2008 Dt. 26-12-2008

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (IW), Hyderabad.
The District Collector, Krishna.
Copy to:
The Superintending Engineer, Irrigation Circle, Vijayawada
SF/SC

//FORWARDED::BY ORDER//
SECTION OFFICER